

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : WELSH et al.  
SERIAL NO : 10/766,506  
FILED : January 28, 2004  
TITLE : USE OF XYLITOL TO REDUCE IONIC STRENGTH AND ACTIVATE  
ENDOGENOUS ANTIMICROBIALS FOR PREVENTION AND  
TREATMENT OF INFECTIONS

Grp./A.U. : 1614  
Examiner : DELACROIX Muirhei, Cybille  
Conf. No. : 3490  
Docket No. : P04385US02

RECEIVED  
CENTRAL FAX CENTER

JAN 24 2005

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The owner, University of Iowa Research Foundation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,716,819. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

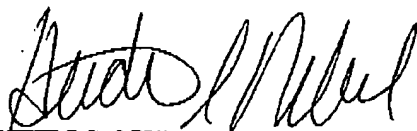
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Please charge Deposit Account No. 26-0084 the amount of \$65.00 to cover the fee for a terminal disclaimer under 37 CFR 1.20(d). Please charge any deficiencies or credit any overpayment to Deposit Account No. 26-0084.

Respectfully submitted,



HEIDI S. NEBEL, Reg. No. 37,719  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No. (515) 288-3667  
Fax No. (515) 288-1338  
**CUSTOMER NO: 22885**

- bja -

Attorneys of Record